

104TH CONGRESS
1ST SESSION

H. R. 2188

To establish in the Department of the Interior the Essex National Heritage Area Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 1995

Mr. TORKILDTSEN (for himself and Mr. MEEHAN) introduced the following bill;
which was referred to the Committee on Resources

A BILL

To establish in the Department of the Interior the Essex National Heritage Area Commission, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—The Congress finds that—

5 (1) Essex County, Massachusetts, was host to
6 a series of historic events that influenced the course
7 of the early settlement of the United States, its
8 emergence as a maritime power, and its subsequent
9 industrial development;

1 (2) the North Shore of Essex County and the
2 Merrimack River valley in Essex County contain ex-
3 amples of significant early American architecture
4 and significant Federal-period architecture, many
5 sites and buildings associated with the establishment
6 of the maritime trade in the United States, the site
7 of the witchcraft trials of 1692, the birthplace of
8 successful iron manufacture, and the establishment
9 of the textile and leather industries in and around
10 the cities of Peabody, Beverly, Lynn, Lawrence, and
11 Haverhill;

12 (3) Salem, Massachusetts, has a rich heritage
13 as one of the earliest landing sites of the English
14 colonists, the first major world harbor for the Unit-
15 ed States, and an early thriving hub of American in-
16 dustries;

17 (4) the Saugus Iron Works National Historic
18 Site is the site of the first sustained, integrated iron
19 works in Colonial America, and the technology em-
20 ployed at the Iron Works was dispersed throughout
21 the Colonies and was critical to the development of
22 industry and technology in America;

23 (5) the Salem Maritime National Historic Site
24 contains nationally significant resources that explain
25 the manner in which the Nation was settled, its evo-

1 lution into a maritime power, and its development as
2 a major industrial force;

3 (6) the story told at the Salem Maritime and
4 Saugus Iron Works National Historic Sites would be
5 greatly enhanced through the interpretation of sig-
6 nificant theme-related resources in Salem and
7 Saugus and throughout Essex County;

8 (7) partnerships between the private and public
9 sectors have been created and additional partner-
10 ships will be encouraged to preserve the rich cultural
11 heritage of the region, which will stimulate cultural
12 awareness, preservation, and economic development
13 through tourism;

14 (8) a visitors' center that has already been con-
15 structed at Salem Maritime National Historic Site in
16 Salem, Massachusetts, will be available to interpret
17 the themes of the Essex National Heritage Area es-
18 tablished by this Act and to coordinate the interpre-
19 tive and preservation activities of the Area; and

20 (9) the resident and business communities of
21 the region have formed the Essex Heritage Ad Hoc
22 Commission for the preservation, interpretation, pro-
23 motion, and development of the historic, cultural,
24 and natural resources of the region and are invest-
25 ing significant private funds and energy to develop

1 a plan to preserve the nationally significant re-
2 sources of Essex County.

3 (b) PURPOSE.—It is the purpose of this Act—

4 (1) to establish the Essex National Heritage
5 Area and the Essex National National Heritage
6 Area Commission, representing all concerned levels
7 of government, to recognize, preserve, promote, in-
8 terpret, and make available for the benefit of the
9 public the historic, cultural, and natural resources of
10 the North Shore and lower Merrimack River valley
11 in Essex County, Massachusetts, which encompass
12 the three primary themes of the Salem Maritime
13 National Historic Site and Saugus Iron Works Na-
14 tional Historic Site (the histories of early settlement,
15 maritime trade, and the textile and leather indus-
16 tries);

17 (2) to implement the appropriate alternative as
18 described in the document entitled “The Salem
19 Project: A Study of Alternatives”, dated January
20 1990, within the boundaries of Essex County; and

21 (3) to provide a management framework to as-
22 sist the Commonwealth of Massachusetts and its
23 units of local government in the development and
24 implementation of an integrated cultural, historical,
25 and land resource management program in order to

1 retain, enhance, and interpret the significant values
2 of the lands, waters, and structures located in the
3 Essex National Heritage Area.

4 **SEC. 2. DEFINITIONS.**

5 For purposes of this Act:

6 (1) The term “Commission” means the Essex
7 National Heritage Area Commission established by
8 section 201.

9 (2) The term “Area” means the Essex National
10 Heritage Area established by section 101.

11 (3) The term “Secretary” means the Secretary
12 of the Interior.

13 **TITLE I—ESSEX NATIONAL**
14 **HERITAGE AREA**

15 **SEC. 101. DESIGNATION OF NATIONAL HERITAGE AREA.**

16 (a) DESIGNATION.—For the purpose of preserving
17 and interpreting, for the educational and inspirational
18 benefit of present and future generations, the unique and
19 significant contributions to our national heritage of cer-
20 tain historic and cultural lands, natural waterways, and
21 structures within the County of Essex in the Common-
22 wealth of Massachusetts, there is hereby established the
23 Essex National Heritage Area.

24 (b) BOUNDARIES.—The Area shall comprise the
25 lands generally depicted on the map numbered NAR-51-

1 80,000 and dated August 1994. The map shall be on file
2 and available for public inspection in the office of the Di-
3 rector of the National Park Service.

4 (c) ADMINISTRATION.—The Area shall be adminis-
5 tered in accordance with the provisions of this Act.

6 **TITLE II—ESSEX NATIONAL** 7 **HERITAGE AREA COMMISSION**

8 **SEC. 201. ESTABLISHMENT.**

9 (a) IN GENERAL.—To carry out the purpose of this
10 Act there is hereby established in the Department of the
11 Interior the Essex National Heritage Area Commission.
12 The Commission shall exercise the responsibilities and au-
13 thorities conferred on the Commission by this title with
14 respect to the Area. The Commission shall consist of 33
15 members (including ex officio members), appointed by the
16 Secretary, as follows:

17 (1) Five members appointed from recommenda-
18 tions submitted by the Governor of Massachusetts,
19 of which one shall represent the interests of the
20 Massachusetts Historical Commission, one shall rep-
21 resent the Executive Office of Environmental Man-
22 agement, one shall represent the Massachusetts Ex-
23 ecutive Office of Transportation and Highways, one
24 shall represent the Executive Office of Administra-

1 tion and Finance, and one shall represent the Exec-
2 utive Office of Communities and Development.

3 (2) Eleven members representing the interests
4 of local government, appointed from recommenda-
5 tions submitted as follows:

6 (A) One each from recommendations sub-
7 mitted by the mayors of the cities of Peabody,
8 Salem, Lynn, Lawrence, Haverhill, Newbury-
9 port, Beverly, and Gloucester.

10 (B) Three representing the towns of Essex
11 County, from recommendations submitted by
12 the Essex County Advisory Board.

13 (3) Eight members representing local business,
14 nonprofit organizations, and other nongovernmental
15 groups, appointed from recommendations submitted
16 as follows:

17 (A) Two from recommendations submitted
18 by the Salem Partnership.

19 (B) One each from recommendations sub-
20 mitted by the Lynn Business Partnership, the
21 Greater Haverhill Chamber of Commerce, the
22 Cape Ann Chamber of Commerce, the
23 Merrimack Valley Chamber of Commerce, the
24 North Shore Chamber of Commerce, and the

1 Society for the Preservation of New England
2 Antiquities.

3 (4) Three members representing nonprofit orga-
4 nizations which have significant interests and re-
5 sources located in the Area, from recommendations
6 submitted as follows:

7 (A) One from recommendations submitted
8 by the Peabody Essex Museum, to represent the
9 interests of major museums.

10 (B) One from recommendations submitted
11 by the Essex County Greenbelt Association, to
12 represent the interests of the natural resources
13 of the Area.

14 (C) One from recommendations submitted
15 by the President of Salem State College, to rep-
16 resent the interests of institutions of higher
17 education.

18 (5) The Director of the National Park Service,
19 ex officio, or the delegate of the Director, the super-
20 intendent of the Salem Maritime National Historic
21 Site, ex officio, or the delegate of the superintend-
22 ent, and the superintendent of the Saugus Ironworks
23 National Historic Site, ex officio, or the delegate of
24 the superintendent.

1 (6) One member recommended by the Rep-
2 representative to the Congress from the Fifth Congres-
3 sional District of Massachusetts.

4 (7) Two members recommended by the Rep-
5 representative to the Congress from the Sixth Congres-
6 sional District of Massachusetts.

7 (b) TERMS.—The term of appointed members of the
8 Commission shall be 3 years, except as provided in sub-
9 section (d).

10 (c) CHAIRPERSON.—The Commission shall elect a
11 chairperson from among its members. The term of office
12 of the chairperson shall be 2 years.

13 (d) VACANCY.—Any member of the Commission ap-
14 pointed for a definite term may serve after the expiration
15 of his term until his successor is appointed. Any vacancy
16 in the Commission shall be filled in the same manner in
17 which the original appointment was made. The term of
18 any member appointed to fill a vacancy shall be the re-
19 mainder of the term for which the member's predecessor
20 was appointed.

21 (e) QUORUM.—A simple majority of Commission
22 members shall constitute a quorum.

23 (f) MEETINGS.—The Commission shall meet at the
24 call of the chairperson or a majority of its members, but
25 not less than quarterly.

1 (g) COMPENSATION.—Members of the Commission
2 shall serve without compensation, except as otherwise pro-
3 vided in this subsection. Members of the Commission may
4 receive travel expenses (including per diem in lieu of sub-
5 sistence) when engaged in Commission business, in ac-
6 cordance with section 5703, title 5, United States Code,
7 in the same manner as persons employed intermittently.

8 **SEC. 202. STAFF OF THE COMMISSION.**

9 (a) STAFF.—(1) The Commission shall have the
10 power to appoint and fix the compensation of such staff
11 as may be necessary to carry out its duties.

12 (2) Staff appointed by the Commission—

13 (A) shall be appointed subject to the provisions
14 of title 5, United States Code, governing appoint-
15 ments in the competitive services; and

16 (B) shall be paid in accordance with the provi-
17 sions of chapter 51 of title 5, United States Code,
18 and subchapter III of chapter 53 of such title, relat-
19 ing to classification and General Schedule pay rates.

20 (b) EXPERTS AND CONSULTANTS.—Subject to such
21 rules as may be adopted by the Commission, the Commis-
22 sion may procure services of experts and consultants to
23 the same extent as is authorized by section 3109(b) of title
24 5, United States Code, but at rates determined by the
25 Commission to be reasonable.

1 (c) STAFF AND OTHER AGENCIES.—(1) Upon re-
2 quest of the Commission, the head of any Federal agency
3 may detail, on a reimbursable basis, any of the personnel
4 of such agency to the Commission to assist the Commis-
5 sion in carrying out the Commission's duties.

6 (2) The Commission may accept the services of per-
7 sonnel detailed from the Commonwealth of Massachusetts
8 (and any political subdivision thereof) and may reimburse
9 the Commonwealth or political subdivision for the services.

10 (d) ADMINISTRATIVE SUPPORT.—The Administrator
11 of the General Services Administration shall provide to the
12 Commission such administrative support services as the
13 Commission may request, on a reimbursable basis.

14 **SEC. 203. POWERS OF THE COMMISSION.**

15 (a) IN GENERAL.—The Commission may for the pur-
16 pose of carrying out this Act hold such hearings, sit and
17 act at such times and places, take such testimony, and
18 receive such evidence, as the Commission may deem advis-
19 able.

20 (b) BYLAWS.—The Commission may make such by-
21 laws, rules and regulations, consistent with this Act, as
22 it considers necessary to carry out its functions under this
23 title.

24 (c) DELEGATION.—When so authorized by the Com-
25 mission, any member or agent of the Commission may

1 take any action which the Commission is authorized to
2 take by this section.

3 (d) TECHNICAL ADVISORY GROUPS.—The Commis-
4 sion may establish and appoint one or more technical advi-
5 sory groups and subcommittees to provide technical advice
6 to the Commission with respect to issues including, but
7 not limited to, financing, historic preservation, natural re-
8 source preservation, recreation, tourism, or intergovern-
9 mental coordination.

10 (e) GIFTS.—Notwithstanding any other provision of
11 law, the Commission may seek, accept, and dispose of do-
12 nations of funds, property, or services from individuals,
13 from foundations, corporations, and other private entities,
14 and from public entities, for the purpose of carrying out
15 its duties.

16 (f) FUNDS FROM OTHER SOURCES.—The Commis-
17 sion may use its funds to obtain money from any source
18 under any program or law, including a program or law
19 requiring the recipient of such money to make a contribu-
20 tion in order to receive such money.

21 (g) MAIL.—The Commission may use the United
22 States mails in the same manner and upon the same con-
23 ditions as other departments and agencies of the United
24 States.

1 (h) OBTAINING PROPERTY, FACILITIES AND SERV-
2 ICES.—The Commission may obtain by purchase, rental,
3 donation, or otherwise, such property, facilities, and serv-
4 ices as may be needed to carry out its duties. The Commis-
5 sion may acquire real property, or interests in real prop-
6 erty, in the Area only by gift, by rental, or by purchase
7 from a willing seller with money which was given, be-
8 queathed, or appropriated to the Commission on the condi-
9 tion that such money would be used to purchase real prop-
10 erty, or interests in real property, in the Area.

11 (i) ADVISORY GROUPS.—The Commission may estab-
12 lish such advisory groups as the Commission deems nec-
13 essary to ensure open communication with, and assistance
14 from, the Commonwealth of Massachusetts, political sub-
15 divisions of the Commonwealth of Massachusetts, and in-
16 terested persons.

17 (j) COOPERATIVE AGREEMENTS.—The Commission
18 may enter into cooperative agreements with the Secretary,
19 the Commonwealth of Massachusetts, any political sub-
20 division of the Commonwealth, or any person.

21 **SEC. 204. FUNCTIONS OF THE COMMISSION.**

22 (a) IN GENERAL.—The Commission is authorized
23 to—

24 (1) coordinate activities of and establish cooper-
25 ative agreements with Federal, State, and local gov-

1 ernments and private businesses and organizations
2 in order to further historic preservation, cultural
3 conservation, natural area protection, and compat-
4 ible revitalization with respect to the Area;

5 (2) establish guidelines and standards for
6 projects and prepare programs and exhibits, consist-
7 ent with standards established by the National Park
8 Service for preservation of historic properties (in-
9 cluding standards regarding interpretive methods),
10 that will further the recognition, preservation, pro-
11 motion, interpretation, and economic revitalization of
12 the historic and natural resources in the Area;

13 (3) provide advice and assistance in preparation
14 of loan or grant applications to the Commission and
15 applications for loan or grants from Federal or non-
16 Federal sources in furtherance of the purpose of this
17 Act;

18 (4) make loans and grants, from funds appro-
19 priated for that purpose or from funds donated or
20 otherwise made available to the Commission, for the
21 purpose of conserving and protecting sites, buildings,
22 resources, and objects which are included or eligible
23 for inclusion on the National Register of Historic
24 Places or for the purposes of providing educational

1 and cultural programs which encourage appreciation
2 of the resources of the Area; and

3 (5) implement the study report prepared by the
4 Essex Heritage Ad-Hoc Commission.

5 (b) ANNUAL REPORTS.—

6 (1) REPORTS BY COMMISSION.—The Commis-
7 sion shall submit an annual report to the Secretary
8 setting forth its expenses and income and the enti-
9 ties to which any loans and grants were made by the
10 Commission during the year for which the report is
11 made.

12 (2) REPORTS BY SECRETARY.—The Secretary
13 shall submit an annual report to the Congress de-
14 scribing the loans, grants, and technical assistance
15 provided under this Act. The report shall specify the
16 amount, recipient, and purpose of any loan, grant,
17 or technical assistance so provided, and shall include
18 an analysis of the adequacy of actions taken during
19 the year the report concerns to preserve, protect,
20 and interpret the significant sites, buildings, and ob-
21 jects within the Area. The report shall describe the
22 anticipated funds and personnel to be made available
23 by the Secretary during the fiscal year following the
24 year the report concerns to implement the provisions
25 of this Act.

1 (c) COST ESTIMATES.—Prior to making any grant or
2 loan, the Commission shall require detailed cost estimates
3 to be prepared for the project to be funded. Within 1 year
4 after the date of the enactment of this Act, the Commis-
5 sion shall submit to the appropriate committees of the
6 Congress detailed cost estimates for the projects for which,
7 at the time the report is submitted, the Commission has
8 made, has agreed to make, or plans to make a grant or
9 loan under this Act.

10 **SEC. 205. DUTIES OF THE SECRETARY.**

11 (a) IN GENERAL.—To carry out the purpose of this
12 Act, the Secretary shall assist the Commission in prepar-
13 ing such studies and plans as the Secretary considers ap-
14 propriate and in implementing the recommendations con-
15 tained in study report prepared by the Essex Heritage Ad-
16 Hoc Commission. The Secretary is authorized to enter
17 into agreements with the Commission or with any owner
18 of property with national historic or cultural significance
19 within the Area for the purpose of facilitating public use
20 and enjoyment of such resources or to otherwise further
21 the objectives of the Commission. Any such agreement
22 shall provide whenever appropriate that—

23 (1) the public may have access to such re-
24 sources at specified, reasonable times for the pur-

1 pose of viewing the property or exhibits or attending
2 programs or other activities, as may be appropriate;

3 (2) the Secretary may make improvements to
4 such resources as the Commission or the Secretary
5 deem necessary to enhance the public use and enjoy-
6 ment of the resources, or to render such property
7 usable by the Secretary, the Commission, or any
8 person for the purpose of this Act; and

9 (3) the Secretary may occupy, utilize, and ac-
10 quire easements or leasehold interests in resources
11 as required to implement the programs and purpose
12 of this Act.

13 (b) TECHNICAL ASSISTANCE.—The Secretary shall
14 provide, upon request, technical assistance to the Commis-
15 sion to assist the Commission in the performance of its
16 powers and functions as authorized under this Act. The
17 Secretary may provide to any owner of property within
18 the Area, to the Commonwealth of Massachusetts, to the
19 City of Salem and other participating municipalities, to
20 any other Federal or State entity, to any institution, or
21 to any person such technical assistance as the Secretary
22 considers appropriate to carry out the purpose of this Act.

23 **SEC. 206. EXPIRATION.**

24 (a) IN GENERAL.—The Commission shall cease to
25 exist 10 years after the date of the enactment of this Act.

1 (b) SUCCESSOR ENTITY.—The Commission shall as-
2 sist, if appropriate, in the establishment of a nonprofit
3 management entity, exempt from income taxes under sec-
4 tion 501(c)(3) of the Internal Revenue Code of 1986, to
5 continue as necessary the functions of the Commission and
6 the management of the Area upon the expiration of the
7 Commission.

8 (c) PROPERTY OR FUNDS REMAINING.—Any prop-
9 erty or funds of the Commission remaining upon the expi-
10 ration of the Commission shall be transferred to the non-
11 profit management entity referred to in subsection (b), if
12 such an entity exists and is willing to accept the transfer.
13 If such an entity does not exist or is not willing to accept
14 such transfer, the property or funds referred to in the pre-
15 ceding sentence shall be transferred to the Treasury of
16 the United States, to a State or local government agency,
17 or to any combination thereof, as determined by the Com-
18 mission or, if the Commission fails to so determine and
19 such an entity exists, by the nonprofit management entity
20 referred to in subsection (b).

21 **SEC. 207. PRIVATE PROPERTY.**

22 No privately owned property shall be included within
23 the boundaries of the Area unless the government of the
24 county, city, or town in which the property is located

1 agrees to be so included and submits notification of such
2 agreement to the Secretary.

3 **SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

4 There are hereby authorized to be appropriated such
5 sums as may be necessary to carry out this Act.

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